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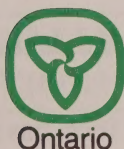
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Guide to the Application Process



RENT CONTROL



Ministry
of
Housing

GUIDE TO THE APPLICATION PROCESS

INTRODUCTION

This brochure explains the Rent Control application process and the steps that are followed to come to a decision. This is one source of information about Rent Control and the procedures involved. The Act and Regulations should be consulted for an exact statement of the law.

To learn more, please see the following outlines and brochures:

Illegal Rents and Illegal Charges

Reducing the Rent

What Tenants Should Know about a Rent Increase Above Guideline

What Landlords Should Know about a Rent Increase Above Guideline

Rent Increases Above the Guideline

As well, each application form has helpful instructions for its completion. Please read the instructions before you fill out one of these applications.

TYPES OF APPLICATIONS

There are a number of different types of applications under the *Rent Control Act, 1992*. Some of the most common types are:

Tenant Applications

Application About **Illegal Rent**

Application About **Illegal Charges**

Application to **Reduce Rent**

Application to **Determine the Issues**

Landlord Applications

Application for a **Rent Increase Above Guideline**

Application for **Advance Determination**

Application to **Determine Issues**

Application for **Review of a Work Order**

WHERE DO I FILE THE APPLICATION?

File your application at the Rent Control Office that serves the area where the unit or complex is located.

WHO ELSE MUST I GIVE A COPY TO?

You must give a copy of the application to all other parties within 10 days of filing it.

WHO IS A PARTY TO THE APPLICATION?

A party is anyone who is directly affected by the issues raised in the application at the time it is made.

If a new landlord buys the building or a new tenant moves in before a Rent Officer issues an order, a copy of the application must be given to them as well. The applicant must do this within 10 days of finding out of the change. A new tenant or landlord also can request a Rent Officer to include them as a party to the application.

A Rent Officer may decide to add or remove someone as a party if someone who should have been included was not or someone was named as a party but should not have been.

A tenant or landlord may want to have someone represent them in the process. If so, then an agency authorization is required unless the agent is a lawyer. A signed authorization appointing the person as an agent must be filed with the Rent Officer.

HOW DO I SERVE THE APPLICATION TO THESE PARTIES?

Any document, such as an application or notice, can be given to a party by:

- a) handing it to the person;
 - b) if the person is a landlord, handing it to an employee responsible for the building;
 - c) if the person is a tenant, by handing it to someone in the rental unit who appears to be an adult;
 - d) leaving it in the mailbox;
 - e) if there is no mailbox, then in a place where mail is usually delivered;
- or
- f) sending it by mail to the last known address where the person lives or works.

If it is mailed, the document is considered to be received by the person five days after you mailed it.

WHAT OTHER INFORMATION SHOULD I INCLUDE WITH AN APPLICATION?

You must file information to support your application. This means you must file documents which support the claims you have made. When a landlord files an application for a rent increase above the guideline, a Cost Statement and information to prove that the costs were incurred must also be filed.

All parties have the right to examine information filed by the applicant and submit their own information.

It is up to the person making the application to support the costs or claim that they are making. All information to support the application must be filed at the same time in order for it to be considered complete. The other parties have the opportunity to argue against what the applicant claims. All information that is relevant to making a decision will be looked at by the Rent Officer.

The instructions to the Forms explain in more detail the type of information and evidence each type of application requires. You can obtain a copy of the instructions by contacting the Rent Control office in your area.

Extensions of Time

Specific time frames apply to submitting applications and supporting documentation, and making submissions in response to an application. Sometimes it may not be possible for the landlord or tenant(s) to meet the time frames. In such a case, a Rent Officer can be asked by a party to extend the time. A Rent Officer may allow an extension if a case can be made that the request is fair.

Incomplete applications

An application is incomplete until all the required information and supporting documents are received by the Rent Control Office. If necessary, a Rent Officer will request, in writing, that the applicant provide more information.

When requesting further information, the Rent Officer can allow up to **30 days** to complete the application. This time limit **cannot be extended**.

If you do not provide the information within the time period allowed, your application will be discontinued by the Rent Officer.

HOW IS AN APPLICATION PROCESSED?

In the application, the applicant will indicate whether he or she wishes the application to be resolved through an administrative review or through a hearing.

When the application is considered complete, the Rent Officer will send all parties an acknowledgement letter indicating the time frames to process the application.

If the applicant has chosen administrative review, the other parties will be given the opportunity to agree or to choose a hearing if requested by any party. A hearing will be scheduled if requested by any party.

Parties other than the applicant have **15 days** after receiving the acknowledgement letter to ask that the application be resolved either through an administrative review or by a hearing.

If the application involves more than one unit, a hearing will automatically be held in the following situations, unless all parties agree to an administrative review:

- a landlord applies for a rent increase above the guideline which involves capital expenditures (major repairs & improvements);

- a tenant applies for a reduction in rent because of inadequate maintenance of the building or unit, or because services or facilities have been taken away or reduced.

All other applications will be resolved by administrative review unless one or more parties request a hearing.

1) Hearing Process

A hearing is a **formal meeting**. The hearing is conducted according to rules set out in the *Rent Control Act, 1992* and the *Statutory Powers Procedure Act*.

Parties other than the applicant must be given at least **55 days** from the date they receive the acknowledgement letter, to review the material submitted to support the application and to submit information and evidence of their own.

A Rent Officer will consider all the information which is relevant to the application that the parties have filed. As well, any evidence and submissions given at the hearing will be considered. A Rent Officer may gather additional information and use it. A written report will be placed on file.

A Rent Officer may authorize an employee or agent of the Ministry to enquire into matters which affect the application. A Rent Officer may visit the building with the parties. The Rent Officer may also ask an inspector to

inspect the building and place the report on file for parties to view and make comments on.

A Notice of Hearing will be sent to all parties when a date is set for the hearing to take place. The Notice must be issued at least **15 days** before the hearing date.

Hearings can be held in the Rent Control Office in your area or somewhere in your community. The Rent Control office will let you know the time, date and place of the hearing.

At the hearing, the tenant(s) and landlord present evidence to the Rent Officer. Everyone is given the opportunity to submit facts and material to support their claims.

Pre-hearing Conference

A pre-hearing conference is an **informal meeting** to talk about basic issues regarding an application. It can be used to assist the Rent Officer in determining what the issues at the hearing will be and to help the parties to understand the issues. In addition, a pre-hearing conference may be conducted to discuss whether or not a person should be added as a party, or what units should be covered by the application.

The tenants and landlord may ask for a pre-hearing conference anytime **before the Notice of Hearing is issued** by the Rent Control Office. The Chief Rent Officer may decide a pre-hearing conference is needed.

Your area Rent Control office will let you know of the time, date and place of the conference.

A pre-hearing conference must be held at least **15 days** after the notice of the pre-hearing conference is issued. The Rent Officer chairing the conference will not be the same person holding the hearing.

The Rent Officer chairing the conference can make recommendations to the Rent Officer who will be holding the hearing later. The recommendations are placed on file for all parties to examine.

As well, a preliminary order may be issued as a result of the pre-hearing conference. The order cannot deal with the substance of the issues that are to be determined by a hearing.

For example, a preliminary order could be issued adding someone as a party as a result of the discussion which took place at the conference. This decision would be binding on the Rent Officer holding the hearing.

Any preliminary order that is made at a pre-hearing conference must be given to all parties to the application, even if they did not attend.

It is possible that after a pre-hearing conference is held, the parties can decide to have the application resolved by administrative review.

2)Administrative Review Process

If it is decided that a hearing will not take place, then the parties will be advised by letter that the application will be resolved by Administrative Review.

The parties other than the applicant may file evidence and make submissions on file up to **25 days** after the acknowledgement notice is issued. The applicant then has a further **15 days** to respond to the evidence and submissions.

A Rent Officer will look at the application and other supporting material and information that is given by the tenants and landlord. If the Rent Officer decides that more information is needed, he or she may direct a party to provide it at any time during the process.

In addition, the Rent Officer may permit the parties to file further information. In this case, all parties would be given the opportunity to view and comment on this information.

As in the case of a hearing, a Rent Officer may authorize an employee or agent of the Ministry to enquire into matters which affect the application. A Rent Officer may visit the building with the parties. The Rent Officer may ask an inspector to inspect the building and place the report on file for parties to view and comment on.

HOW WILL I KNOW ABOUT THE DECISION?

Whether the application is resolved by administrative review or by a hearing, the Rent Officer will make a decision after an extensive review of the evidence given and the submissions that have been made.

This decision is called an order. All parties to the application, including their agents, will receive a copy of this order.

The Rent Officer may include in the order any conditions he or she considers fair in the circumstances.

IS A DECISION FINAL?

An appeal of a Rent Officer's order can be made to the Divisional Court, but only on a question of law.

A Rent Officer may correct clerical errors or omissions at any time before an appeal is heard.

An order may only be reconsidered if a serious error has been made. A Chief Rent Officer must determine that a serious error has been made within one year of the date of the order, if the matter is to be reconsidered.

The Chief Rent Officer may then affirm, rescind, amend or replace the original order.

RENT CONTROL OFFICES

EASTERN ONTARIO REGION

KINGSTON OFFICE

265 Ontario Street
1st Floor
Kingston, Ontario
K7K 2X5
Tel. # (613) 548-6770
Toll-free: Ask operator
for Zenith 9-6000

OSHAWA OFFICE

40 King St. West, #700
Oshawa, Ontario
L1H 1A4
Tel. # (416) 723-8135
Toll-free: Ask operator
for Zenith 9-6000

OTTAWA OFFICE

10 Rideau Street, 3rd Floor
Ottawa, Ontario
K1N 9J1
Tel. # (613) 230-5114
Toll-free: Ask operator
for Zenith 9-6000

PETERBOROUGH OFFICE

139 George Street North
Peterborough, Ontario
K9J 3G6
Tel. # (705) 743-9511
Toll-free: Ask operator
for Zenith 9-6000

CENTRAL ONTARIO REGION

ETOBICOKE — CITY OF YORK OFFICE

5464 Dundas Street, West
Suite 200
Etobicoke, Ontario
M9B 1B4
Tel. # (416) 236-2681

MISSISSAUGA OFFICE

4 Robert Speck Parkway
Suite 550
Mississauga, Ontario
L4Z 1S1
Tel. # (416) 270-3280
Toll-free: Ask operator
for Zenith 9-6000

NORTH YORK OFFICE

47 Sheppard Avenue, East
Suite 402
Willowdale, Ontario
M2N 5X5
Tel. # (416) 314-9550
Toll-free: Ask operator
for Zenith 9-6000

SCARBOROUGH — EAST YORK OFFICE

1200 Markham Road
Suite 415
Scarborough, Ontario
M1H 3C3
Tel. # (416) 314-8640

TORONTO CITY OFFICE

56 Wellesley Street, West
8th Floor
Toronto, Ontario
M7A 2J9
Tel. # (416) 326-9800

SOUTHWESTERN ONTARIO REGION

BARRIE OFFICE

14 Worsley Street
6th Floor
Barrie, Ontario
N4M 1M1
Tel. # (705) 737-2111
Toll-free: 1-800-461-2882

HAMILTON OFFICE

25 Main St. West, #620
Hamilton, Ontario
L8P 1H1
Tel. # (416) 528-8701
Toll-free: 1-800-668-9565

KITCHENER OFFICE

30 Duke St. West, #401
Kitchener, Ontario
N2H 3W5
Tel. # (519) 579-5790
Toll-free: 1-800-265-8926

LONDON OFFICE

240 Wharncliffe Road, North
Suite 100
London, Ontario
N6H 4P2
Tel. # (519) 679-7270
Toll-free: 1-800-265-0937

OWEN SOUND OFFICE

1077 Second Avenue, East
Owen Sound, Ontario
N4K 2H8
Tel. # (519) 376-3202
Toll-free: 1-800-265-3737

ST. CATHARINES OFFICE

43 Church Street
Suite 505
St. Catharines, Ontario
L2R 7E1
Tel. # (416) 684-6562
Toll-free: 1-800-263-4937

WINDSOR OFFICE

380 Ouellette Avenue
Suite 302
Windsor, Ontario
N9A 1C7
Tel. # (519) 253-3532
Toll-free: 1-800-265-6924

NORTHERN ONTARIO REGION

NORTH BAY OFFICE

189 Wyld Street
North Bay, Ontario
P1B 1Z2
Tel. # (705) 476-1231
Toll-free: Ask operator
for Zenith 9-6000

SUDBURY OFFICE

128 Larch Street
6th Floor
Sudbury, Ontario
P3E 5J8
Tel. # (705) 675-4373
Toll-free: Ask operator
for Zenith 9-6000

THUNDER BAY OFFICE

540 West Arthur Street
Thunder Bay, Ontario
P7E 5R7
Tel. # (807) 475-1595
Toll-free: Ask operator
for Zenith 9-6000

TIMMINS OFFICE

111 Wilson Avenue
Timmins, Ontario
P4N 2S8
Tel. # (705) 264-9555
Toll-free: Ask operator
for Zenith 9-6000

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